

ORDINANCE NO.

AN ORDINANCE REPEALING AND REPLACING ARTICLE 11 OF CITY CODE CHAPTER 25-12 (*TECHNICAL CODES*) RELATING TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS AND LOCAL AMENDMENTS; AND CREATING OFFENSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 25-12 (*Technical Codes*) is amended to repeal and replace Article 11 (*Residential Code*) to read:

ARTICLE 11. RESIDENTIAL CODE

§25-12-241 INTERNATIONAL RESIDENTIAL CODE.

- (A) The International Residential Code for One- and Two-Family Dwellings, 2021 Edition, published by the International Code Council (“2021 International Residential Code”) and Appendices AC, AE, AH, AJ, AR, AS, AU, and AW are adopted and incorporated by reference into this section with the deletions in Subsections (B), (C), and (D) and the amendments in Section 25-12-243 (*Local Amendments to the International Residential Code*).
- (B) The following provisions of the 2021 International Residential Code are deleted.

Section R101.2	Section R301.2.4
Section R104.10.1	Section R322 plus subsections
Section R105.2	Part IV
Section R105.3.1.1	Part VIII
Section R106.1.4	AE107 plus subsections
Table R301.2	

- (C) Except for P2904, Part VII (*Plumbing*) of the 2021 International Residential Code is deleted.
- (D) The following definition is deleted from R202 (*Definitions*) of the 2021 International Residential Code:

24 HEIGHT, BUILDING

25 (E) The city clerk shall file a copy of the 2021 International Residential Code with the
26 official ordinances of the City.

27 **§25-12-242 CITATIONS TO THE RESIDENTIAL CODE.**

28 In the City Code, “Residential Code” means the 2021 International
29 Residential Code adopted in Section 25-12-241 (*International Residential Code*) as
30 amended by Section 25-12-243 (*Local Amendments to the International*
31 *Residential Code*).

32 **§25-12-243 LOCAL AMENDMENTS TO THE INTERNATIONAL**
33 **RESIDENTIAL CODE.**

34 Each provision in this section is a substitute for the identically numbered provision
35 deleted in Section 25-12-241 (B), (C), and (D) (*International Residential Code*) or is an
36 addition to the 2021 International Residential Code.

37 **R101.2 Scope.** The provisions of this code shall apply to the construction, alteration,
38 movement, enlargement, replacement, repair, equipment, use and occupancy, location,
39 removal and demolition of detached one- and two-family dwellings and townhouses not
40 more than three stories above grade plane in height with a separate means of egress and
41 their accessory structures not more than three stories above grade plane in height.

42 **Exception:** The following shall be permitted to be constructed in accordance with
43 this code where provided with an automatic sprinkler system complying with
44 Section P2904:

- 45 1. Live/work units located in townhouses and complying with the requirements of
46 Section 508.5 of the International Building Code.
- 47 2. Owner-occupied lodging houses with five or fewer guestrooms.
- 48 3. A care facility with six or fewer persons receiving custodial care within a
49 dwelling unit.
- 50 4. A care facility with six or fewer persons receiving medical care within a
51 dwelling unit.
- 52 5. A care facility for six or fewer persons receiving care that are within a single-
53 family dwelling.

R101.2.1 Plumbing. The provisions of the International Plumbing Code and the Plumbing Code apply when a person installs, alters, repairs, and replaces plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system. The Plumbing Code supersedes the International Plumbing Code to the extent of conflict.

Exception: A residential fire sprinkler system shall be designed and installed as required by Section P2904 and shall comply with the Fire Code. Backflow prevention shall be provided as required by the Plumbing Code.

R102.2.2 Building Criteria Manual. Additional information on procedures and rules related to administering the Residential Code is available in the Building Criteria Manual.

R101.2.3 Persons authorized to obtain permits for mechanical work. Except as otherwise provided in Section R105 (*Permits*), only an air conditioning and refrigeration contractor licensed by the State of Texas to perform mechanical work and registered with the City may obtain a permit required by the Residential Code to perform mechanical work.

R104.10.1 Flood Hazard Areas. A request for a variance to a flood hazard area requirement is decided in accordance with Article 3 (*Flood Hazard Areas*).

R105.2 Work Exempt from Permit. A permit is not required for the work described in this provision. Work exempt from a permit must still comply with this code and all other applicable laws and City Code requirements.

Building:

1. A one-story detached accessory structure that is no more than 200 square feet (18.58 m²) of floor area, no more than 15 feet (4,572 mm) in height, does not create a dwelling, contains no plumbing, and is not located within a flood hazard area.
2. Unless located within a flood hazard area, a fence that is not over 8 feet (2,438 mm) high.
3. Unless supporting a surcharge or located within a flood hazard, a retaining wall that is not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall.
4. A water tank that is supported directly upon grade if the tank's capacity does not exceed 5,000 gallon and the ratio of height to diameter or width does not exceed 2 to 1, and the tank is not located within a flood hazard area.

5. A sidewalk, driveway or concrete flatwork that is not located in the public right-of-way.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar work.
7. A swimming pool that is prefabricated and less than 24 inches (610 mm) deep.
8. Playground equipment, including a swing.
9. A window awning that does not project more than 54 inches (1,372 mm) from the exterior wall and the only required support is the exterior wall.
10. A deck that is no more than 200 square feet (18.58 m²) in area, is no more than 30 inches (762 mm) above grade at any point, is not attached to a dwelling, does not provide egress from the dwelling, and is not located within a flood hazard area.
11. A gypsum board repair that does not exceed 128 square feet, is not part of a fire resistance rated construction assembly, a shear-wall assembly, or a tub and shower surround.
12. Asphalt shingles that replace existing asphalt shingles.
13. Replacement of any roof covering that does not adversely affect the roof structure.
14. A foundation repair that does not exceed 128 square feet.
15. A floor decking repair that does not exceed 128 square feet.
16. A non-structural exterior deck repair that is limited to the existing deck boards and does not include guardrails or handrails.
17. Repairing or replacing exterior trim components including wood fascia, trim, and soffits.
18. Siding that does not exceed 128 square feet and is not part of a fire-resistance rated assembly.
19. Roof decking that does not exceed 128 square feet.
20. Replacing or installing an overhead garage door on a garage.

21. Replacing doors of same size and operation.
22. Other work as determined by the building official.

Mechanical:

1. A portable heating appliance.
2. A portable ventilation appliance.
3. A portable cooling unit.
4. A steam, hot- or chilled-water pipe within heating or cooling equipment regulated by the Residential Code.
5. Replacing a minor part of equipment that does not alter its approval or make it unsafe.
6. A portable evaporative cooler.
7. A self-contained refrigeration system that contains 10 pounds (4.54 kg) or less of refrigerant or that is actuated by motors of 1 horsepower (746 W) or less.
8. A portable-fuel-cell appliance that is not connected to a fixed pipe system and is not interconnected to a power grid.
9. Replacing supply and return duct runs.
10. Replacing an exhaust or dryer duct run measuring less than 15 feet (4572 mm) in length.
11. Increase the number of supply registers within existing duct run.
12. Other work as determined by the building official.

R105.3.1.1 In flood hazard areas, determination of substantially improved or substantially damaged existing buildings. For an application to reconstruct, rehabilitate, add or otherwise improve an existing building or structure located in a flood hazard area, the building official shall examine or require another to examine the construction documents and shall prepare a finding with regard to the value of the proposed work. If the work is a substantial improvement as defined in Section R202 (*Definitions*), the proposed work shall comply with Article 3 (*Flood Hazard Areas*).

R105.5 Time Limits. Article 13 (*Administration of Technical Code*) of this chapter establishes permit application time limits and requirements applicable to permit expiration and reactivation, including a review fee for expired permits.

R105.10 Registration. An air conditioning and refrigeration contractor shall register with the City before performing any work regulated by this code.

R106.1.4 Information for Construction in Flood Hazard Areas. For a building or structure located in whole or in part in flood hazard areas as established by Table R301.2(1) (*Climatic and Geographic Design Criteria*), the construction documents shall comply with Article 3 (*Flood Hazard Areas*).

R109.5 Residential change-out program. The building official may establish, by rule, an inspection program for the installation of certain mechanical and plumbing appliances in individual owned and occupied dwellings within the zoning jurisdiction of the City.

R112.5 Modifications from flood plain management regulations. A request for a variance to a flood hazard area requirement is decided in accordance with Article 3 (*Flood Hazard Areas*).

R202 Definitions

HEIGHT, BUILDING has the same meaning as “height” as defined in Section 25-1-21 (*Definitions*).

START OF CONSTRUCTION means the date a permit is issued for new construction or substantial improvements to existing structures if construction, repair, reconstruction, rehabilitation, addition, placement or other improvement starts within 180 days from the date the permit is issued. Construction starts when permanent construction of a building (including a manufactured home) is first placed and includes pouring a slab or footing, installing pilings, or constructing columns. Permanent construction does not include preparing land (clearing, excavating, grading, or filing); installing streets or walkways; excavating for a basement, footing, pier, or foundation, erecting temporary forms or installing accessory buildings not occupied as dwelling units or not part of the main building. For a substantial improvement, construction starts when a wall, ceiling, floor, or other structural part of a building is altered even if the alteration does not affect the external dimensions of the building.

SUBSTANTIAL DAMAGE means an amount of damage that results in restoration costs that equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any combination of repairs, alterations, reconstructions, rehabilitations, additions, or improvements to a building or structure during the immediate 10-year period with cumulative costs that equal or exceed 50 percent of the market value of the structure before the improvement or repair is started or, if the structure was damaged and is being restored, before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. Substantial improvement does not include:

1. an improvement required to correct existing health, sanitary, safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or
2. an alteration to a historic structure if the alteration will not disqualify the structure from continuing its designation as a historic structure, which means a structure that is listed or preliminarily determined eligible for listing in the National Register of Historic Places, determined by the Secretary of the United States Department of Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined to qualify as a historic district, or designated as historic under a State of Texas or local historic preservation program that is approved by the United States Department of the Interior.

VISITABLE DWELLING means a dwelling subject to Visitability requirements in section R320 (*Accessibility and Visitability*).

**TABLE R301.2
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD ^a	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^a (mph)	Topographic effects ^k	Special wind region ^l	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c				
5	105	NO	NO	NO	A	Negligible	12 in (305 mm)	YES	NO	Construction Commenced After 9/2/1981	30	68.1
MANUAL J DESIGN CRITERIA												
Elevation		Altitude correcti on factor	Coincident wet-bulb	Indoor winter design dry- bulb temperature	Indoor winter design dry-bulb temperature		Outdoor winter design dry- bulb temperature		Heating temperature difference			
597		M	74		72		30		42			
Latitude		Daily range	Indoor summer design relative humidity	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature		Outdoor summer design dry- bulb temperature		Cooling temperature difference			
30		M		50	74		100		26			

R301.2.4 Floodplain Construction. A building or structure constructed in whole or in part in a flood hazard area (including A Zones) as established in Table R301.2(1) and substantial improvement and repair of substantial damage of a building or structure in a flood hazard area shall be designed and constructed according to Article 3 (*Flood Loads and Hazard Areas*).

R320 Accessibility and Visitability

R320.1 Scope. Where there are three or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 of the Building Code for Group R-3 shall apply. Visitability sections R320.3 through R320.8.1 apply to dwelling units that are subject to this code and include habitable space on the first floor.

Exception:

1. Owner-occupied lodging houses with five or fewer guestrooms are not required to be accessible.
2. Existing buildings subject to the Building Code shall comply with the Existing Building Code 306 (*Accessibility for Existing Buildings*).
3. Remodels and additions to existing dwellings subject to this code and permitted on or after February 10, 2014 are required to comply with Sections R320.3 through R320.7.
4. Remodels and additions to existing dwellings subject to this code and permitted on or after July 1, 2015 are required to comply with sections R320.8 and subsection R320.8.1.

R320.2 Live/Work Units. In live/work units, the nonresidential portion shall be accessible in accordance with Sections 508.5.9 and 508.5.11 of the Building Code. In a structure where there are four or more live/work units, the dwelling portion of the live/work unit shall comply with Section 1108.6.2.1 of the Building Code.

R320.3 Compliance Required at Plan Review. A permit application for a visitable dwelling must include detailed plans prepared by a registered design professional or other certified professional that demonstrate compliance with Section R320 (*Visitability*).

R320.4 Visitable Bathrooms. A visitable dwelling must be designed and constructed with at least one bathroom group or a half bath on the first floor that meets the following requirements:

1. a clear opening of at least 30 inches;
2. lateral two-inch by six-inch or larger nominal wood blocking is installed flush with stud edges of bathroom walls; and
3. except for the portion of the wall located directly behind the lavatory, the centerline of the blocking is 34 inches from and parallel to the interior floor level.

R320.5 Visitable Light Switches, Receptacles, and Environmental Controls. The first floor of a visitable dwelling must meet the following requirements:

1. light switches and environmental controls are less than 48 inches above the interior floor level; and
2. except for floor outlets and receptacles, outlets and receptacles are at least 15 inches above the interior floor level.

R320.6 Visability Bathroom Route. A bathroom group or half bathroom designated for visitability under R320.4 (*Visitable Bathrooms*) must be accessible by a route with a clear opening of at least 32 inches that begins at the visitable entrance designated under R320.7 (*Visitable Dwelling Entrance*) and continues through the living room, dining room, and kitchen, and is level with ramped or beveled changes at door thresholds.

Exception: Provided an alternate route is available, a visitable route is not required through an area located on a split-level or sunken floor.

R320.7 Visitable Dwelling Entrance. A visitable dwelling must include at least one no-step entrance with a beveled threshold of one-half inch or less and a door with a clear width of at least 32 inches. This entrance may be located at the front, rear, side, or in the garage or carport of the dwelling.

R320.8 Exterior Visitable Route. An entrance that complies with R320.7 (*Visitable Dwelling Entrance*) must be accessible using a route with a cross slope of no greater than two percent (1:50) that originates from a garage, driveway, public street, or public sidewalk. An exterior route that includes a ramp must comply with the Residential Code.

R320.8.1 Waiver of Exterior Visitable Route Provision for Certain Properties. The requirements of R320.8 do not apply to a lot with 10 percent or greater slope that existed prior to development; or to a property that requires the use of switchbacks to comply with R320.8.

PART 2. This ordinance takes effect on September 1, 2021.

PASSED AND APPROVED

_____, 2021 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk